

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12393, of the Trustees of Amherst College, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 to permit a rear addition to the Folger Shakespeare Library and for other college and university uses in the R-4 District at the premises 201 East Capitol Street, 301-315 East Capitol Street and #8-#22 3rd Street, S.E., (Square 760, Lot 801 and Square 787, Lots 28, 29, 807-810, 814-816, 827-829, 835 and 836).

HEARING DATE: May 24, 1977

DECISION DATES: June 15 and August 3, 1977

FINDINGS OF FACT:

1. The Folger Shakespeare Library was established under the will of Henry Clay Folger in 1932. That will gave the remainder of Mr. Folger's estate with the exception of certain bequests, to the Trustees of Amherst College to establish and maintain a library in Washington, D.C. "for the promotion and diffusion of knowledge in regard to the history and writings of Shakespeare."

2. The main library building, located at 201 East Capitol Street, was completed in 1932. The building had an original capacity of 214 seats in its theater, space for approximately seventy to seventy-five readers and capacity for two or three teachers. In 1950, an addition was constructed, with approval of the Board, at the rear of the building to provide additional space. No increase in theater seating or teacher capacity occurred.

3. The Folger has the largest collection in the Western Hemisphere of English books printed before the middle of the 17th Century, and has the greatest collection of Shakespearian material in the world. This collection is unique, and requires unique measures to protect and conserve it.

10. The proposed addition will be for additional stack space and a new reading room. The expansion plan is necessitated by a lack of space for books, inadequate temperature and climate control for conservation of rare books, and the need to place all readers on one level where they can be kept under proper surveillance. As a result of this addition, there will be an increase of three full-time staff positions. The new reading room will also allow for an increase in readers from seventy to a maximum of 100. There will be no increase in theater capacity or number of teachers.

11. The Folger proposes to continue other present uses of all the buildings in Square 787. The Folger intends to seek a tenant for the beauty salon at 305 East Capitol Street.

12. The Folger also proposes to use the vacant lot at 315 East Capitol Street for the parking of six cars. The lot adjoins a public alley, and is sixteen feet wide and 128.08 feet deep. The spaces would be set back fourteen feet from the street, and would be parallel to the alley.

13. The Folger currently has a total of forty-five off-street parking spaces. Eighteen spaces are behind the main building, sixteen to the west of the main building, nine in the lot on 3rd Street and two in a garage behind 313 East Capitol Street.

14. Under the proposed plan, there would be a total of forty-eight spaces. The sixteen spaces west of the building, the nine spaces on 3rd Street and the two garage spaces would remain. The lot behind the building would be reduced from eighteen spaces to fifteen spaces. There would also be six additional spaces in the lot on East Capitol Street.

15. The Folger also has available fifty-four spaces in the garage of the Library of Congress during evening hours. Such spaces are available for use during performances at the theater.

16. The Folger has submitted a campus plan to the Board, marked as Applicant's Exhibit number 1B, as required by the provisions of Sub-paragraph 3101.46. The plan shows existing and proposed building uses, parking, floor ratio, lot occupancy, etc. The elements of the plan are basically as described above; i.e., the Folger will continue to use its existing facilities as they are at present, with the only change being the addition to the main building and the new parking lot on East Capitol Street.

17. The current daily population of the library consists of seventy-nine staff members and a maximum of seventy readers. Approximately one-half of the staff drive to work each day. These individuals park their cars on Folger property for the day and make an insignificant number of interim trips elsewhere by car. The remaining members of the staff either use public transportation or walk to work. The vast majority of readers do the same, given the scarcity of on-street parking in the area. Both staff and readers remain in the library throughout the working day, making few trips to the outside and receiving a relatively small number of visitors. Consequently, the Folger generates little vehicular or pedestrian traffic during the working day. The location of vehicular and pedestrian access will remain the same under the new plan. Since only a modest increase in the number of readers using the Folger is projected, and since there will be only a minor increase in the number of staff members and no change in the type of use, the Board finds that there will be no significant increase in the amount of traffic, either vehicular or pedestrian, and there will be no adverse impact on the neighborhood.

18. The uses surrounding the main library building include the Library of Congress, the Library of Congress annex, properties used by the Folger on 3rd Street and institutional uses across East Capitol Street. The building addition is therefore compatible with and would have no adverse affect on immediately surrounding uses.

19. The remaining part of Square 787 not occupied by Folger uses is predominantly developed with townhouses. The Capitol Hill area to the east is also predominantly developed with rowhouses in the R-4 District.

20. Use of the Folger properties in Square 787 for non-residential purposes would be inconsistent with the primarily residential intent of the R-4 District. It would also represent an intrusion into the residential neighborhood by increasing traffic, creating buildings unoccupied at night, and reducing the residential character of the area.

21. The Municipal Planning Office, by report dated May 12, 1977, and by testimony at the hearing, recommended that the application be granted, stating that "neighboring properties will not be adversely impacted by noise, traffic or number of students, and that the application conforms to the requirements of the Zoning Regulations."

22. Advisory Neighborhood Commission 6B, submitted a report and testified at the hearing. The ANC supported the addition to the main building, but opposed approval of the uses in Square 787 on several grounds. First, the ANC argued that the Folger was a library, and not a college or university use consistent with the intent of the Zoning Regulations. Second, the ANC was concerned about the expansion and continuation of non-residential uses into a residential block. Third, the ANC opposed the granting of approval for parking lots without some kind of subsequent review by the Board. Fourth, the ANC opposed the Board approving various existing uses in Square 787 which the ANC felt were illegal.

23. The Capitol Hill Restoration Society opposed the application on the same grounds as the ANC.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the Folger is not a college or university use within the meaning of the Zoning Regulations. It does not grant any degrees, nor does it conduct regular courses for academic credit. The Board concludes that the Folger is a library and theater, which are uses not permitted in a R-4 District.

The Board concludes that the existing Folger main building is permitted, by previous action of the Board among others, and that such use cannot be discontinued nor should it be discontinued. The Board concludes that the addition to the Folger should be considered as an extension of a non-conforming use, requiring the granting of a variance. The Board concludes that the uniqueness of the collection and the desirability to adequately conserve and protect that collection in this location do create the conditions necessary to sustain the granting of such a variance. The Board concludes that the granting of such a variance would not have an adverse effect on the use of neighboring properties, which are primarily office in character.

The Board concludes that all parties to the application were aware that the Board would consider the issue of a variance regarding this application, and that actual notice of such intention was present. In addition, there was extensive discussion of the issue at the hearing, and the various parties in opposition in fact supported that view before the Board. The Board thus concludes that no additional notice or hearing is required to grant this application as a variance.

The Board concludes that the uses by the Folger of property in Square 787 is not appropriate. The Board concludes that such uses do represent an intrusion into a residential block and that the consequences of such an intrusion would be undesirable. The Board notes that there are no unique exceptional or extraordinary circumstances associated with these uses, and that no variance can thereby be justified. The Board notes that it has no control over the Folger should the Folger use those properties for purposes conforming to the R-4 requirements. The Board further notes that in this decision, it is not requiring and cannot require that all non-residential uses in Square 787 be terminated. Any such uses which have legal rights to continue as non-conforming uses must be allowed to continue in accordance with the Zoning Regulations. The Board concludes that the application regarding the Folger property in Square 787 must be denied.

Based on these findings of fact and conclusions of law, and the record of this case, the Board therefore ORDERS APPROVAL of the plans for the proposed addition to the Folger Shakespeare Library building at 201 East Capitol Street. The Board ORDERS DENIAL of the application as far as uses at the premises 301-313 East Capitol Street and #8-#22 - 3rd Street and DENIAL for the proposed parking lot at 315 East Capitol Street.

VOTE: 4-0 (Walter B. Lewis, Charles R. Norris, William F. McIntosh and Leonard L. McCants to approve the addition; Chloethiel Woodard Smith not voting, not having heard the case).

3-0 (Walter B. Lewis, Charles R. Norris and Leonard L. McCants to DENY the uses in Square 787, William F. McIntosh not voting, Chloethiel Woodard Smith not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 

STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 13 FEB 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.